

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#8  
3/13/00  
QK

In re Patent Application of

HUOTARI

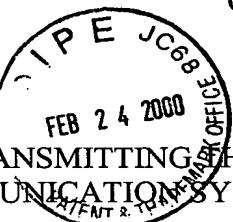
Appln. No.: 08/983,318

Group Art Unit: 2746

Examiner: T. Gesesse

Filed: January 15, 1998

FOR: METHOD FOR TRANSMITTING THE IDENTITY OF A CALLING SUBSCRIBER  
IN MOBILE COMMUNICATION SYSTEM



\* \* \* \* \*

February 24, 2000

**REQUEST FOR WITHDRAWAL OF FINALITY OF ACTION**

Hon. Commissioner of Patents  
and Trademarks  
Washington, DC 20231

Sir:

We are in receipt of an Office Action dated January 18, 2000, which contains a final rejection that includes a rejection of all of the claims under 35 U.S.C. § 112. This is a new ground of rejection; there is no previous claim rejection under 35 U.S.C. § 112.

In our response to the first Office Action, no claim amendments were made.

Therefore, the new ground of rejection could not have been necessitated by Applicant's amendments to the claims and therefore could not have properly been made final. The implication of a final rejection is that Applicant is denied the opportunity to amend claims as a matter of right, after having first been informed of a ground of rejection.

As clearly stated in MPEP, section 706.07(a), "second or any subsequent actions on the merits shall be final, except where the Examiner introduces a new ground of rejection that is neither necessitated by Applicant's amendment of the claims or based on information submitted in an Information Disclosure Statement . . ." In the present case, no claim amendments have been made and no information has been submitted in an Information Disclosure Statement. Therefore, there is no justification for the finality of the Action dated January 18, 2000.

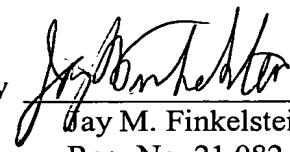
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Accordingly, it is requested that finality of the rejections be withdrawn and that a new, non-final action be issued.

Respectfully submitted,

PILLSBURY MADISON & SUTRO LLP

By



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